



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,932	12/07/2001	Seppo Pienimaa	944-003.096	5664

7590 07/31/2003

Ware, Fressola,
Van Der Sluys & Adolphson LLP
P.O. Box 224
Monroe, CT 06468

EXAMINER

PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
----------	--------------

2851

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,932

Applicant(s)

PIENIMAA ET AL.

Examiner

William B. Perkey

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,5,7,9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eppenstein et al. (U.S. Patent No. 2,170,967).

Eppenstein et al. discloses a portable device as a microscope having an eye-piece for direct observation or a projection eye-piece device (see the sentence bridging column 1 and 2); an image source as the object 9 mounted on the stage 9; a light source as the lamp 4; and an optical arrangement as the not illustrated direct observation eye-piece and the projection eye-piece display device 13-28. Eppenstein et al. discloses the first mode as the not-illustrated direct observation eye-piece; the second mode perceiving the image on a surface disposed in the optical path as either the surface 17 in Fig. 1; and a third mode perceiving the image on the surface 27. Thus, the limitations of the claims are fully met by Eppenstein et al.

3. Claims 1-11,13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tanaka et al. (U.S. Patent No. 5,461,437).

Tanaka et al. shows a portable VTR device having selective displays at 8,11,14; an image source as the LCD panel 2; a light source shown by reference numeral 5 in Fig. 1; and an optical arrangement to select a particular display mode by reference numerals 8,11,14-16.

Claim Rejections - 35 USC § 103

4. Claims 12,14,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Patent No. 5,461,437) in view of Official Notice.

Tanaka et al. shows the claimed invention as explained above except for the image source as a reflective-type or emissive-type microdisplay device or having polarizing means having a first polarization state in the illuminating light to the image source and a second polarization state in the output from the image source with or without a beam splitter. Official Notice is taken that liquid crystal display devices of the reflective-type and emissive-type and liquid crystal display devices with first and second polarizers with or without a beam splitter were well known in the liquid crystal display field at the time of applicants' invention (MPEP 2144.03). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to substitute well known equivalent LCD display panels for the transmissive-type panel 2 of Tanaka et al. in order to obtain the desirable feature of building the VTR of Tanaka et al. using other known equivalent parts.

Allowable Subject Matter

5. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for allowance of claims 15-18 is the claim limitation for an internal light source combined with a particular display mode and an external light source combined with another particular display mode.

Art Unit: 2851

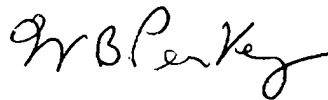
Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (703) 308-1708.

The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp
July 28, 2003